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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

1 CENTOCOR ORTHO BIOTECH,
2 INC. ,

3 Plaintiff,

4 v.

5 GENENTECH, INC. and CITY OF
6 HOPE,

7 Defendants.

8 GENENTECH, INC. AND CITY OF
9 HOPE,

10 Counter-Plaintiffs

11 v.

12 CENTOCOR ORTHO BIOTECH,
13 INC.

14 Counter-Defendant

15 AND

16 GLOBAL PHARMACEUTICAL
17 SUPPLY GROUP, LCC, CENTOCOR
18 BIOLOGICS, LLC, AND JOM
19 PHARMACEUTICAL SERVICES,
20 INC.

21 Third-party Defendants.

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Case No. CV 08-03573 MRP (CTx)

The Honorable Mariana R. Pfaelzer

[PROPOSED] ORDER
AMENDING THE OCTOBER 20,
2009 STIPULATED
PROTECTIVE ORDER

Having considered Genentech Inc.'s Motion to Amend the Stipulated Protective Order, Centocor Ortho Biotech Inc.'s opposition thereto, and the arguments of the parties for and against the Motion, and for the reasons explained at the July 19, 2010 hearing on the Motion,

IT IS HEREBY ORDERED THAT:

1. The Stipulated Protective Order entered by this Court in this matter on October 20, 2009 is hereby amended to incorporate Paragraph 26 as follows:

“26. Notwithstanding the foregoing, certain Confidential Material produced by Centocor consisting of (1) the Patent License Agreement between Celltech Therapeutics Limited (“Celltech”) and Centocor dated March 31, 1998; (2) the Patent License Agreement between UCB Pharma S.A./UCB Celltech and Centocor dated October 1, 2008 and all collateral agreements between those parties dated on or around October 1, 2008; (3) correspondence between Centocor and Celltech concerning such agreements identified in the June 17, 2010 letter of Hannah Williams to Allen Norris; and (4) portions of the deposition testimony of Ken Dow (dated August 12, 2009) and Nicholas D'Aleandro (dated August 12, 2009) concerning such agreements (collectively the “Potential Arbitration Material”) may be divulged to Gerson Zweifach, Jessamyn Berniker and John Williams of the law firm of Williams & Connolly LLP, outside counsel to Genentech, and to their paralegals and other support staff at Williams & Connolly LLP, for the purposes of counseling Genentech and, if necessary, commencing a private AAA arbitration proceeding against UCB Celltech and/or its subsidiaries (the “Genentech/Celltech Arbitration”). The Potential Arbitration Material may be disclosed in the ordinary course of the Genentech/Celltech arbitration only to the parties, the AAA, the arbitrators and to such other witnesses or persons agreed to by the parties to the arbitration or ordered by the arbitral tribunal. Within thirty (30) days of the conclusion of the Genentech/Celltech Arbitration, including any

1 appeal therefrom, Genentech shall inform Centocor of the conclusion of the
2 arbitration and Centocor shall have the option to request the procedure
3 enumerated in ¶ 21 of this Stipulated Protective Order, with Genentech able to
4 take advantage of the exceptions contained therein.”
5

6 IT IS SO ORDERED
7

8 Dated: _____
9

Hon. Mariana R. Pfaelzer
United States District Judge